

EXHIBIT A

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO): **COSTCO WHOLESALE**

YOU ARE BEING SUED BY PLAINTIFF: **ONWUKEME, GERALD**
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

FOR CLERK OF COURT
(SECRETARÍA DE LA CORTE)
22612206
FILED
ALAMEDA COUNTY
SEP 30 2019
JERRIE MOYER
By _____ Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: **Alameda County Superior Court**
(El nombre y dirección de la corte es): **1225 Fallon Street Oakland CA 94612**

CASE NUMBER
(Número del Caso): **19037155**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

JERRIE MOYER

DATE:
(Fecha) **SEP 30 2019**

Clerk, by
(Secretario) **JERRIE MOYER**, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

Page 1 of 1

22612205

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): GERALD ONWUKEME 19650 SAN MIGUEL AVE CASTRO VALLEY CA 94546 TELEPHONE NO. (310) 694-6094 FAX NO. (Optional): E-MAIL ADDRESS (Optional): gerald.onwukeme@gmail.com ATTORNEY FOR (Name):		FOR COURT USE ONLY ENDORSED FILED ALAMEDA COUNTY SEP 30 2019 CLERK OF THE COURT By JERRIE MOYER Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: Oakland, CA 94612 CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Alameda County Superior Courthouse		
PLAINTIFF: ONWUKEME, GERALD DEFENDANT: COSTCO WHOLESALE		
<input type="checkbox"/> DOES 1 TO _____		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input checked="" type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: KG19037155

1. Plaintiff (name or names): **ONWUKEME, GERALD**
 alleges causes of action against defendant (name or names): **COSTCO WHOLESALE**

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):

(1) ☐ a corporation qualified to do business in California

(2) ☐ an unincorporated entity (describe):

(3) ☐ a public entity (describe):

(4) ☐ a minor ☐ an adult

(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) ☐ other (specify):

(5) ☐ other (specify):

b. ☐ except plaintiff (name):

(1) ☐ a corporation qualified to do business in California

(2) ☐ an unincorporated entity (describe):

(3) ☐ a public entity (describe):

(4) ☐ a minor ☐ an adult

(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) ☐ other (specify):

(5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE:

ONWUKEME VS. COSTCO

CASE NUMBER:

4. ☐ Plaintiff (name): **ONWUKEME, GERALD**
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

- a. ☒ except defendant (name): **COSTCO**
(1) ☐ a business organization, form unknown
(2) ☒ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):
(5) ☐ other (specify):

- c. ☐ except defendant (name):
(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):
(5) ☐ other (specify):

- b. ☐ except defendant (name):
(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):
(5) ☐ other (specify):

- d. ☐ except defendant (name):
(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):
(5) ☐ other (specify):

☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

- a. ☐ Doe defendants (specify Doe numbers): _____ were the agents or employees of other named defendants and acted within the scope of that agency or employment.
b. ☐ Doe defendants (specify Doe numbers): _____ are persons whose capacities are unknown to plaintiff.

7. ☒ Defendants who are joined under Code of Civil Procedure section 382 are (names):

**COSTCO WHOLESALE
GALLAGHER BASSETT (INSURER)**

8. This court is the proper court because

- a. ☒ at least one defendant now resides in its jurisdictional area.
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
c. ☐ injury to person or damage to personal property occurred in its jurisdictional area.
d. ☐ other (specify):

9. ☐ Plaintiff is required to comply with a claims statute, and

- a. ☒ has complied with applicable claims statutes, or
b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:

ONWUKEME VS COSTCO

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☒ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☒ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☐ wage loss
- b. ☐ loss of use of property
- c. ☐ hospital and medical expenses
- d. ☒ general damage **Auto**
- e. ☐ property damage
- f. ☐ loss of earning capacity
- g. ☒ other damage (specify): **Trauma**

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court

Yes

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☒ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☐ according to proof
- (2) ☒ in the amount of: **\$120,000**

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date:

9/30/2019

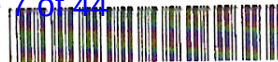
GERALD ONWUKEME

(TYPE OR PRINT NAME)

Gerald Onwukeme

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

EXHIBIT B



22532077

CIV-010

ATTORNEY (Name, State Bar number, and address): Tiega-Noel Varlack (248203) Varlack Legal Services 225 W. Winton, Suite 207 Hayward, CA 94544 TELEPHONE NO.: (510) 397-2008 FAX NO. (Optional): E-MAIL ADDRESS (Optional): tiega@varlacklegal.com ATTORNEY FOR (Name): Gerald Onwukeme		FILED ALAMEDA COUNTY OCT 24 2019 CLERK OF THE SUPERIOR COURT By <u>Zahra</u> Deputy	FOR COURT USE ONLY ENDORSED FILED ALAMEDA COUNTY OCT 24 2019 CLERK OF THE SUPERIOR COURT By <u>Esther F. [Signature]</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: MAILING ADDRESS: 661 Washington Street CITY AND ZIP CODE: Oakland, 94607-3922 BRANCH NAME:			
PLAINTIFF/PETITIONER: Gerald Onwukeme DEFENDANT/RESPONDENT: Costco Wholesale			
APPLICATION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM—CIVIL <input checked="" type="checkbox"/> EX PARTE		CASE NUMBER: RG19037155	
NOTE: This form is for use in civil proceedings in which a party is a minor, an incapacitated person, or a person for whom a conservator has been appointed. A party who seeks the appointment of a guardian ad litem in a family law or juvenile proceeding should use form FL-935. A party who seeks the appointment of a guardian ad litem in a probate proceeding should use form DE-350/GC-100. An individual cannot act as a guardian ad litem unless he or she is represented by an attorney or is an attorney.			

- Applicant (name): Gerald Onwukeme is
 - ☒ the parent of (name): Amara Onwukeme
 - ☐ the guardian of (name):
 - ☐ the conservator of (name):
 - ☐ a party to the suit.
 - ☐ the minor to be represented (if the minor is 14 years of age or older).
 - ☐ another interested person (specify capacity):
- This application seeks the appointment of the following person as guardian ad litem (state name, address, and telephone number):
 Gerald Onwukeme, 19650 San Miguel Avenue, Castro Valley, CA 94546, (510) 290-9500
- The guardian ad litem is to represent the interests of the following person (state name, address, and telephone number):
 Amara Onwukeme, 19650 San Miguel Avenue, Castro Valley, CA 94546, (510) 290-9500
- The person to be represented is:
 - ☒ a minor (date of birth): 11/06/2012
 - ☐ an incompetent person.
 - ☐ a person for whom a conservator has been appointed.
- The court should appoint a guardian ad litem because:
 - ☒ the person named in item 3 has a cause or causes of action on which suit should be brought (describe):
 Pending case against Costco Wholesale for negligence.

☐ Continued on Attachment 5a.

CIV-010

PLAINTIFF/PETITIONER: Gerald Unwukeme	CASE NUMBER:
DEFENDANT/RESPONDENT: Costco Wholesale Corporation	RG19037155

5. b. ☐ more than 10 days have elapsed since the summons in the above-entitled matter was served on the person named in item 3, and no application for the appointment of a guardian ad litem has been made by the person identified in item 3 or any other person.
- c. ☒ the person named in item 3 has no guardian or conservator of his or her estate.
- d. ☒ the appointment of a guardian ad litem is necessary for the following reasons (specify):
The child is a minor and cannot represent herself.

☐ Continued on Attachment 5d.

6. The proposed guardian ad litem's relationship to the person he or she will be representing is:

- a. ☒ related (state relationship): father
- b. ☐ not related (specify capacity):

7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person he or she will represent and has no interests adverse to the interests of that person. (If there are any issues of competency or qualification or any possible adverse interests, describe and explain why the proposed guardian should nevertheless be appointed):

☐ Continued on Attachment 7.

Tiega-Noel Varlack

(TYPE OR PRINT NAME)


(SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

GERALD ONWUKEME

(TYPE OR PRINT NAME)


(SIGNATURE OF APPLICANT)

CONSENT TO ACT AS GUARDIAN AD LITEM

I consent to the appointment as guardian ad litem under the above petition.

Date:

GERALD ONWUKEME

(TYPE OR PRINT NAME)


(SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

ORDER ☐ EX PARTE

THE COURT FINDS that it is reasonable and necessary to appoint a guardian ad litem for the person named in item 3 of the application, as requested.

THE COURT ORDERS that (name):

is hereby appointed as the guardian ad litem for (name):
for the reasons set forth in item 5 of the application.

Date:

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT



22532075

CIV-010

ATTORNEY (Name, State Bar number, and address): Tiega-Noel Varlack (248203) Varlack Legal Services 225 W. Winton, Suite 207 Hayward, CA 94544 TELEPHONE NO.: (510) 397-2008 FAX NO. (Optional): E-MAIL ADDRESS (Optional): tiega@varlacklegal.com ATTORNEY FOR (Name): Gerald Onwukeme	FOR COURT USE ONLY FILED ALAMEDA COUNTY OCT 24 2019 CLERK OF THE SUPERIOR COURT By <u>Zahra Col</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: MAILING ADDRESS: 661 Washington Street CITY AND ZIP CODE: Oakland, 94607-3922 BRANCH NAME:	
PLAINTIFF/PETITIONER: Gerald Onwukeme DEFENDANT/RESPONDENT: Costco Wholesale	
APPLICATION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM—CIVIL <input checked="" type="checkbox"/> EX PARTE	CASE NUMBER: RG19037155
NOTE: This form is for use in civil proceedings in which a party is a minor, an incapacitated person, or a person for whom a conservator has been appointed. A party who seeks the appointment of a guardian ad litem in a family law or juvenile proceeding should use form FL-935. A party who seeks the appointment of a guardian ad litem in a probate proceeding should use form DE-350/GC-100. An individual cannot act as a guardian ad litem unless he or she is represented by an attorney or is an attorney.	

- Applicant (name): Gerald Onwukeme is
 - ☒ the parent of (name): Somadina Onwukeme
 - ☐ the guardian of (name):
 - ☐ the conservator of (name):
 - ☐ a party to the suit.
 - ☐ the minor to be represented (if the minor is 14 years of age or older).
 - ☐ another interested person (specify capacity):
- This application seeks the appointment of the following person as guardian ad litem (state name, address, and telephone number):
 Gerald Onwukeme, 19650 San Miguel Avenue, Castro Valley, CA 94546, (510) 290-9500
- The guardian ad litem is to represent the interests of the following person (state name, address, and telephone number):
 Somadina Onwukeme, 19650 San Miguel Avenue, Castro Valley, CA 94546, (510) 290-9500
- The person to be represented is:
 - ☒ a minor (date of birth): 12/02/2016
 - ☐ an incompetent person.
 - ☐ a person for whom a conservator has been appointed.
- The court should appoint a guardian ad litem because:
 - ☒ the person named in item 3 has a cause or causes of action on which suit should be brought (describe):
 Pending case against Costco Wholesale for negligence.

☐ Continued on Attachment 5a.

CIV-010

PLAINTIFF/PETITIONER: Gerald Unwukeme	CASE NUMBER:
DEFENDANT/RESPONDENT: Costco Wholesale Corporation	RG19037155

5. b. ☐ more than 10 days have elapsed since the summons in the above-entitled matter was served on the person named in item 3, and no application for the appointment of a guardian ad litem has been made by the person identified in item 3 or any other person.

c. ☒ the person named in item 3 has no guardian or conservator of his or her estate.

d. ☒ the appointment of a guardian ad litem is necessary for the following reasons (specify):
The child is a minor and cannot represent herself.

☐ Continued on Attachment 5d.

6. The proposed guardian ad litem's relationship to the person he or she will be representing is:

a. ☒ related (state relationship): father

b. ☐ not related (specify capacity):

7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person he or she will represent and has no interests adverse to the interests of that person. (If there are any issues of competency or qualification or any possible adverse interests, describe and explain why the proposed guardian should nevertheless be appointed):

☐ Continued on Attachment 7.

Tiega-Noel Varlack

(TYPE OR PRINT NAME)


(SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

GERALD ONWUKEME

(TYPE OR PRINT NAME)


(SIGNATURE OF APPLICANT)

CONSENT TO ACT AS GUARDIAN AD LITEM

I consent to the appointment as guardian ad litem under the above petition.

Date:

GERALD ONWUKEME

(TYPE OR PRINT NAME)


(SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

ORDER ☐ EX PARTE

THE COURT FINDS that it is reasonable and necessary to appoint a guardian ad litem for the person named in item 3 of the application, as requested.

THE COURT ORDERS that (name):

is hereby appointed as the guardian ad litem for (name):
for the reasons set forth in item 5 of the application.

Date:

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT



22520499

CIV-010

ATTORNEY (Name, State Bar number, and address): Tiega-Noel Varlack (248203) Varlack Legal Services 225 W. Winton, Suite 207 Hayward, CA 94544 TELEPHONE NO.: (510) 397-2008 FAX NO. (Optional): E-MAIL ADDRESS (Optional): tiega@varlacklegal.com ATTORNEY FOR (Name): Gerald Onwukeme	FOR COURT USE ONLY FILED ALAMEDA COUNTY OCT 24 2019 CLERK OF THE SUPERIOR COURT By <u>Zahra Cal</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: MAILING ADDRESS: 661 Washington Street CITY AND ZIP CODE: Oakland, 94607-3922 BRANCH NAME:	
PLAINTIFF/PETITIONER: Gerald Onwukeme DEFENDANT/RESPONDENT: Costco Wholesale	
APPLICATION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM—CIVIL <input checked="" type="checkbox"/> EX PARTE	CASE NUMBER: RG19037155
NOTE: This form is for use in civil proceedings in which a party is a minor, an incapacitated person, or a person for whom a conservator has been appointed. A party who seeks the appointment of a guardian ad litem in a family law or juvenile proceeding should use form FL-935. A party who seeks the appointment of a guardian ad litem in a probate proceeding should use form DE-350/GC-100. An individual cannot act as a guardian ad litem unless he or she is represented by an attorney or is an attorney.	

- Applicant (name): Gerald Onwukeme is
 - ☒ the parent of (name): Zikora Onwukeme
 - ☐ the guardian of (name):
 - ☐ the conservator of (name):
 - ☐ a party to the suit.
 - ☐ the minor to be represented (if the minor is 14 years of age or older).
 - ☐ another interested person (specify capacity):
- This application seeks the appointment of the following person as guardian ad litem (state name, address, and telephone number):
 Gerald Onwukeme, 19650 San Miguel Avenue, Castro Valley, CA 94546, (510) 290-9500
- The guardian ad litem is to represent the interests of the following person (state name, address, and telephone number):
 Zikora Onwukeme, 19650 San Miguel Avenue, Castro Valley, CA 94546, (510) 290-9500
- The person to be represented is:
 - ☒ a minor (date of birth): 07/06/2017
 - ☐ an incompetent person.
 - ☐ a person for whom a conservator has been appointed.
- The court should appoint a guardian ad litem because:
 - ☒ the person named in item 3 has a cause or causes of action on which suit should be brought (describe):
 Pending case against Costco Wholesale for negligence.

☐ Continued on Attachment 5a.

CIV-010

PLAINTIFF/PETITIONER: Gerald Unwukeme	CASE NUMBER:
DEFENDANT/RESPONDENT: Costco Wholesale Corporation	RG19037155

5. b. ☐ more than 10 days have elapsed since the summons in the above-entitled matter was served on the person named in item 3, and no application for the appointment of a guardian ad litem has been made by the person identified in item 3 or any other person.
- c. ☒ the person named in item 3 has no guardian or conservator of his or her estate.
- d. ☒ the appointment of a guardian ad litem is necessary for the following reasons (specify):
The child is a minor and cannot represent himself.

☐ Continued on Attachment 5d.

6. The proposed guardian ad litem's relationship to the person he or she will be representing is:
- a. ☒ related (state relationship): father
- b. ☐ not related (specify capacity):
7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person he or she will represent and has no interests adverse to the interests of that person. (If there are any issues of competency or qualification or any possible adverse interests, describe and explain why the proposed guardian should nevertheless be appointed):

☐ Continued on Attachment 7.

Tiega-Noel Varlack

(TYPE OR PRINT NAME)


(SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

GERALD ONWUKEME

(TYPE OR PRINT NAME)


(SIGNATURE OF APPLICANT)

CONSENT TO ACT AS GUARDIAN AD LITEM

I consent to the appointment as guardian ad litem under the above petition.

Date:

GERALD ONWUKEME

(TYPE OR PRINT NAME)


(SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

ORDER ☐ EX PARTE

THE COURT FINDS that it is reasonable and necessary to appoint a guardian ad litem for the person named in item 3 of the application, as requested.

THE COURT ORDERS that (name):

is hereby appointed as the guardian ad litem for (name):
for the reasons set forth in item 5 of the application.

Date:

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

Varlack Legal Services
Attn: Varlack, Tiega-Noel
225 W. Winton Avenue Suite 207
Hayward, CA 94544 _____

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Onwukeme

Plaintiff/Petitioner(s)

VS.

Costo Wholesale

Defendant/Respondent(s)

(Abbreviated Title)

No. RG19037155

Application Re: Appointment of
Guardian Ad Litem Granted

The Court finds that it is reasonable and necessary to appoint a guardian ad litem for the person named in item 3 of the application, as requested.

The Court orders that Gerald Onwukeme is hereby appointed as the guardian ad litem for Amara Onwukeme for the reasons set forth in item 5 of the application.

Dated: 10/28/2019



facsimile

Judge Noël Wise

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Case Number: RG19037155
Appointment of Guardian Ad Litem of 10/28/2019

DECLARATION OF SERVICE BY MAIL

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, addressed as shown on the foregoing document or on the attached, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed on 10/29/2019.

Chad Finke Executive Officer / Clerk of the Superior Court

By



Digital

Deputy Clerk

Varlack Legal Services
Attn: Varlack, Tiegia-Noel
225 W. Winton Avenue Suite 207
Hayward, CA 94544

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Onwukeme

Plaintiff/Petitioner(s)

VS.

Costo Wholesale

Defendant/Respondent(s)

(Abbreviated Title)

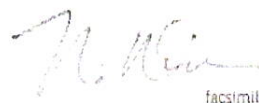
No. RG19037155

Application Re: Appointment of
Guardian Ad Litem Granted

The Court finds that it is reasonable and necessary to appoint a guardian ad litem for the person named in item 3 of the application, as requested.

The Court orders that Gerald Onwukeme is hereby appointed as the guardian ad litem for Somadina Onwukeme for the reasons set forth in item 5 of the application.

Dated: 10/28/2019



facsimile

Judge Noël Wise

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Case Number: RG19037155
Appointment of Guardian Ad Litem of 10/28/2019

DECLARATION OF SERVICE BY MAIL

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, addressed as shown on the foregoing document or on the attached, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed on 10/29/2019.

Chad Finke Executive Officer / Clerk of the Superior Court

By



Digital

Deputy Clerk

Varlack Legal Services
Attn: Varlack, Tiega-Noel
225 W. Winton Avenue Suite 207
Hayward, CA 94544 _____

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Onwukeme

Plaintiff/Petitioner(s)

VS.

Costo Wholesale

Defendant/Respondent(s)

(Abbreviated Title)

No. RG19037155

Application Re: Appointment of
Guardian Ad Litem Granted

The Court finds that it is reasonable and necessary to appoint a guardian ad litem for the person named in item 3 of the application, as requested.

The Court orders that Gerald Onwukeme is hereby appointed as the guardian ad litem for Zikora Onwukeme for the reasons set forth in item 5 of the application.

Dated: 10/28/2019



facsimile

Judge Noël Wise

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Case Number: RG19037155
Appointment of Guardian Ad Litem of 10/28/2019

DECLARATION OF SERVICE BY MAIL

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, addressed as shown on the foregoing document or on the attached, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed on 10/29/2019.

Chad Finke Executive Officer / Clerk of the Superior Court

By



Digital

Deputy Clerk

EXHIBIT C

POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Tiega-Noel Varlack (248203) Varlack Legal Services 225 W. Winton Avenue, Suite 207 Hayward, CA 94544 TELEPHONE NO.: (510) 636-0262 FAX NO. (Optional): (510) 397-2008 E-MAIL ADDRESS (Optional): tiega@varlacklegal.com ATTORNEY FOR (Name): Gerald Omwukeme, et al.		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1221 Oak Street MAILING ADDRESS: 1221 Oak Street CITY AND ZIP CODE: Oakland, 94612 BRANCH NAME:		
PLAINTIFF/PETITIONER: Gerald Omwukeme, et al. DEFENDANT/RESPONDENT: Costco Wholesale Corporation		
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL		CASE NUMBER: RG19037155

TO (insert name of party being served): Costco Wholesale Corporation**NOTICE**

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: 10/31/2019

Tiega-Noel Varlack, Esq.

(TYPE OR PRINT NAME)



(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

- ☒ A copy of the summons and of the complaint.
- ☐ Other (specify):

(To be completed by recipient):

Date this form is signed: 11/4/19

Leslie A. Fales, Esq.

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY, ON WHOSE BEHALF THIS FORM IS SIGNED)

Counsel for Costco
Wholesale Corporation

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

AMENDED

22520497

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Costco Wholesale Corporation and DOES 1 to 10

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Gerald Onwukeme, Irella Blackwood, Elizabeth Ogueli, Amara Onwukeme, Somadina Onwukeme, and Zikora Onwukeme

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
ALAMEDA COUNTY

OCT 24 2019

CLERK OF THE SUPERIOR COURT
By: [Signature] Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):
Alameda County Superior Court 24405 Amador Street
Hayward, CA 94544

CASE NUMBER:
(Número del Caso):

RG19037155

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Tiega-Noel Varlack
Varlack Legal Services
225 W. Winton Avenue, Suite 207, Hayward, CA 94544, (510) 397-2008

DATE:
(Fecha)

OCT 24 2019

Chad Fink

Clerk, by
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

Page 1 of 1

1. Plaintiff (name or names) Gerald Onwukeme, Irella Blackwood, Elizabeth Ogueli, Amara Onwukeme, Somadina Onwukeme, Zikora Onwukeme
alleges causes of action against defendant (name or names):
Costco Wholesale Corporation

2. This pleading, including attachments and exhibits, consists of the following number of pages: 5

3. Each plaintiff named above is a competent adult

a. ☒ except plaintiff (name) Amara Onwukeme

(1) ☐ a corporation qualified to do business in California

(2) ☐ an unincorporated entity (describe)

(3) ☐ a public entity (describe)

(4) ☒ a minor ☐ an adult

(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) ☒ other (specify): application for GAL on file

(5) ☐ other (specify):

b. ☒ except plaintiff (name) Somadina Onwukeme

(1) ☐ a corporation qualified to do business in California

(2) ☐ an unincorporated entity (describe)

(3) ☐ a public entity (describe)

(4) ☒ a minor ☐ an adult

(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) ☐ other (specify): application for GAL on file

(5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE: Onwukeme v. Costco	CASE NUMBER: RG19037155
---	-----------------------------------

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): Costco Wholesale Corporation(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):c. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):b. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 1-5 were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 6-10 are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☒ at least one defendant now resides in its jurisdictional area.b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☐ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):9. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE: Onwukeme v. Costco	CASE NUMBER: RG19037155
------------------------------------	----------------------------

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached).

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☐ other damage (specify):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):
11, 14

Date: 10/10/2019

Tiega-Noel Varlack

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(2)

SHORT TITLE:

Onwukeme v. Costco

CASE NUMBER:

RG19037155

First

(number)

CAUSE OF ACTION—General NegligencePage 4ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Gerald Unwukeme, et al.

alleges that defendant (name): Costco Wholesale Corporation

☒ Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): June 3, 2019

at (place): Costco Tires San Francisco

(description of reasons for liability):

Costco and its agents had a duty to install tires in a good and workmanlike manner and in a way that would not create an undue risk of harm. Costco and its agents violated this duty when they did not properly apply the tires that plaintiffs purchased from them. As a result of the improper installation the left front tire came off of the car on July 2, 2019 as plaintiffs drove to Los Angeles. The plaintiffs in the car, which included three minors were injured in their person and their property. But for Costco's negligent installation, plaintiff's would not have been injured.

EXHIBIT D

A344517

1587907

NCTD:

AMENDED
STATEMENT AND DESIGNATION
BY
FOREIGN CORPORATION

DO NOT WRITE IN THIS SPACE

FILED
In the office of the Secretary of State
of the State of California

JAN 22 1988

March Fong Eu
MARCH FONG EU, Secretary of State

COSTCO WHOLESALE CORPORATION

_____, a corporation
organized and existing under the laws of Washington
and which is presently qualified for the transaction of intrastate business in the
State of California, makes the following statements and/or designation:

That the name of the corporation has been changed to that hereinabove set forth
and that the name relinquished at the time of such change was _____
CWC Corporation which will do business in California as Washington
Wholesalers Inc.

COSTCO WHOLESALE CORPORATION

(Name of Corporation)

Michael D. Anderton
(Signature of corporate officer)

Corporate
Michael D. Anderton, Secretary
(Typed name and title of officer signing)

INSTRUCTIONS:

1. If this Amended Statement shows a change of corporate name, there must be attached to this Amended Statement a certificate of an authorized public official of the state or place of incorporation, that such change of name was made in accordance with the laws of that state or place.
2. For filing this Amended Statement there is a fee of \$15.00.



STATE of WASHINGTON SECRETARY of STATE

I, **Ralph Munro**, Secretary of State of the State of Washington and custodian of its seal, hereby certify that according to the records on file in my office Articles of Merger between CWC CORPORATION, a Washington corporation, and COSTCO WHOLESALE CORPORATION, a Delaware corporation, whereby CWC CORPORATION is the surviving corporation under the name COSTCO WHOLESALE CORPORATION were received and filed in this office September 1, 1987.

Date: September 1, 1987

Given under my hand and the seal of the State of Washington, at Olympia, the State Capitol.

Ralph Munro, Secretary of State

EXHIBIT E

**1 OF 1 RECORD(S)**

FOR INFORMATIONAL PURPOSES ONLY
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Date: 11/4/2019

Report processed by:

Severson & Werson PC

Full Name

OGUELI, ELIZABETH

Address

10034 FAYWOOD ST
 BELLFLOWER, CA 90706-3257
 LOS ANGELES COUNTY

County

LOS ANGELES

Phone

None Listed

ADDITIONAL PERSONAL INFORMATION**SSN**

688-85-XXXX

DOB**Gender****LexID(sm)**

193588791665

Email

None Listed

SSN

potentially
 randomly issued
 by the SSA

Subject Summary**Name Variations**

1: OQUELI, ELIZABETH

SSNs Summary**No. SSN****State Iss.****Date Iss.****Warnings**

1: 688-85-XXXX

N/A

Most frequent SSN attributed to subject:

SSN is
 potentially
 randomized

Others Using SSN - 0 records found

Address Summary - 1 records found

No. Address

1: 10034 FAYWOOD ST
 BELLFLOWER, CA 90706-3257
 LOS ANGELES COUNTY

Address Details

1: 10034 FAYWOOD ST BELLFLOWER, CA 90706-3257

Address

10034 FAYWOOD ST
 BELLFLOWER, CA 90706-3257
 LOS ANGELES COUNTY

Dates

6/2015 - 8/2019

Phone**Census Data for Geographical Region**

Median Head of Household Age: 33

Median Income: \$62,500

Median Home Value: \$511,968

Median Education: 12 years

Household Members



1 OF 1 RECORD(S)

FOR INFORMATIONAL PURPOSES ONLY
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Date: 11/4/2019

Report processed by:
 Severson & Werson PC

Full Name	Address	County	Phone
BLACKWOOD, IRELLA C	19650 SAN MIGUEL AVE CASTRO VALLEY, CA 94546-3429 ALAMEDA COUNTY	ALAMEDA	None Listed

ADDITIONAL PERSONAL INFORMATION

SSN	DOB	Gender	LexID(sm)	Email
550-81-XXXX	6/1984 (Age:35)		013809488776	[REDACTED]

Subject Summary

Name Variations

- 1: BLACKWOOD, IRELLA
- 2: BLACKWOOD, IRELLA B
- 3: BLACKWOOD, IRELLA C
- 4: COOPER, IRELLA
- 5: ONWUKEME, IRELLA

SSNs Summary

No.	SSN	State Iss.	Date Iss.	Warnings
1:	550-81-XXXX	California	1984-1985	
1:	622-48-XXXX	California	1991	SSN linked to multiple people

Most frequent SSN attributed to subject:

Other reported SSNs:

DOBs

Reported DOBs:
 6/1984

Possible E-Mail Addresses

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Others Using SSN - 0 records found

Address Summary - 6 records found

No.	Address
1:	19650 SAN MIGUEL AVE CASTRO VALLEY, CA 94546-3429

No. Address
 ALAMEDA COUNTY

2: 19980 REDWOOD RD
 CASTRO VALLEY, CA 94546-3452
 ALAMEDA COUNTY

3: 2680 TRIBUNE AVE
 HAYWARD, CA 94542-2007
 ALAMEDA COUNTY

4: 2416 SEMINARY AVE 2418
 OAKLAND, CA 94605-1322
 ALAMEDA COUNTY

5: 4666 W BROADWAY APT D
 HAWTHORNE, CA 90250-3664
 LOS ANGELES COUNTY

6: 16414 CORNUTA AVE APT 20
 BELLFLOWER, CA 90706-4892
 LOS ANGELES COUNTY

Address Details**1: 19650 SAN MIGUEL AVE CASTRO VALLEY, CA 94546-3429****Address**

19650 SAN MIGUEL AVE
 CASTRO VALLEY, CA 94546-3429
 ALAMEDA COUNTY

Dates

2/2006 - 9/2019

Phone**Census Data for Geographical Region**

Median Head of Household Age: 43
 Median Income: \$93,243
 Median Home Value: \$630,051
 Median Education: 13 years

Household Members

BLACKWOOD, RASHSHANA R
 COOPER, BERTHA M
 ONWUKEME, GERALD I

Other Associates

None Listed

2: 19980 REDWOOD RD CASTRO VALLEY, CA 94546-3452**Address**

19980 REDWOOD RD
 CASTRO VALLEY, CA 94546-3452
 ALAMEDA COUNTY

Dates

12/2002 - 2/2019

Phone

[REDACTED]
 [REDACTED]

Census Data for Geographical Region

Median Head of Household Age: 39
 Median Income: \$74,167
 Median Home Value: \$576,677
 Median Education: 14 years

Household Members

BLACKWOOD, EMMANUEL R
 COOPER, BERTHA M
 COOPER, GARY C
 ONWUKEME, GERALD I

Other Associates

[REDACTED]

EXHIBIT F



State of California Secretary of State

Statement of Information

(Foreign Corporation)

FEES (Filing and Disclosure): \$25.00.

If this is an amendment, see instructions.

IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

F

G752821

FILED

In the office of the Secretary of State
of the State of California

JUN-27 2019

1. CORPORATE NAME

COSTCO WHOLESALE CORPORATION

2. CALIFORNIA CORPORATE NUMBER

C1587907

This Space for Filing Use Only

No Change Statement (Not applicable if agent address of record is a P.O. Box address. See instructions.)

3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.

☐ If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 13.

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
999 LAKE DRIVE, ISSAQUAH, WA 98027			

5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
4649 MORENA BOULEVARD, SAN DIEGO, CA 92117			

6. MAILING ADDRESS OF THE CORPORATION, IF DIFFERENT THAN ITEM 4	CITY	STATE	ZIP CODE
LICENSING P.O. BOX 35005, SEATTLE, WA 98124			

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

7. CHIEF EXECUTIVE OFFICER/ ADDRESS	CITY	STATE	ZIP CODE
WALTER C. JELINEK 999 LAKE DRIVE, ISSAQUAH, WA 98027			

8. SECRETARY ADDRESS	CITY	STATE	ZIP CODE
JOHN C. SULLIVAN 999 LAKE DRIVE, ISSAQUAH, WA 98027			

9. CHIEF FINANCIAL OFFICER/ ADDRESS	CITY	STATE	ZIP CODE
RICHARD A. GALANTI 999 LAKE DRIVE, ISSAQUAH, WA 98027			

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 11 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 11 must be left blank.

10. NAME OF AGENT FOR SERVICE OF PROCESS

C T CORPORATION SYSTEM

11. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE

Type of Business

12. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION

WHOLESALE/RETAIL MBRSHIP WAREHS

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

06/27/2019

GAIL E. TSUBOI

AVP/ASST. SECRETARY

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE

Exhibit G

SHARON C. COLLIER (State Bar No. 203450)
scc@severson.com

LESLIE A. FALES (State Bar No. 289565)
laf@severson.com

SEVERSON & WERSON
A Professional Corporation
One Embarcadero Center, Suite 2600
San Francisco, California 94111
Telephone: (415) 398-3344
Facsimile: (415) 956-0439

Attorneys for Defendant
COSTCO WHOLESALE

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA — RENÉ C. DAVIDSON COURTHOUSE

GERALD ONWUKEME, et. al.

Plaintiffs,

vs.

COSTCO WHOLESALE,

Defendant.

Case No. RG19037155

**DEFENDANT COSTCO WHOLESALE'S
ANSWER TO PLAINTIFFS UNVERIFIED
FIRST AMENDED COMPLAINT**

Dept.: 24

The Hon. Noel Wise, Dept. 24

Action Filed: September 30, 2019

Trial Date: None Yet

Defendant COSTCO WHOLESALE ("Defendant") hereby answers the Unverified First Amended Complaint ("Complaint") of Plaintiffs GERALD ONWUKEME, IRELLA BLACKWOOD, ELIZABETH OGUELI, AMARA ONWUKEME by and through Guardian Ad Litem GERALD ONWUKEME, SOMADINA ONWUKEME by and through Guardian Ad Litem GERALD ONWUKEME, ZIKORA ONWUKEME by and through Guardian Ad Litem GERALD ONWUKEME ("Plaintiffs") as follows:

GENERAL DENIAL

Pursuant to Code of Civil Procedure section 431.30(d), Defendant generally denies each and every allegation contained in Plaintiffs' Complaint, and each and every cause of action therein, and specifically denies that Plaintiffs have been damaged in any respect by any allegedly

1 wrongful act or omission on the part of Defendant, their officers, employees, or agents. This
 2 paragraph is incorporated by reference into each and every affirmative defense set forth below.

3 Further, this answering Defendant denies that Plaintiffs have sustained any injuries,
 4 damages or loss by reason of any act or omission of this answering Defendant or any of its agents
 5 or employees.

6 Further, this answering Defendant alleges the following affirmative defenses in the
 7 alternative and does not admit any of the allegations contained in the Complaint.

8 **FIRST AFFIRMATIVE DEFENSE**

9 **(Failure to State a Cause of Action)**

10 This answering Defendant alleges that he Complaint, and each and every cause of action
 11 thereof, fails to set forth facts sufficient to constitute a cause of action against this answering
 12 Defendant.

13 **SECOND AFFIRMATIVE DEFENSE**

14 **(Statute of Limitations)**

15 This answering Defendant alleges that the claims made and damages sought against this
 16 answering Defendant are barred or otherwise invalid or unenforceable by, among other things, the
 17 operation of all applicable time limitations including those set forth in the provisions of California
 18 Code of Civil Procedure commencing with Section 335 and continuing through 349.4, more
 19 particularly, but not limited to the following: §§ 335.1, 337, 337.1, 337.15, 338, 339, 340, and
 20 343, including all other subparts of said Sections.

21 **THIRD AFFIRMATIVE DEFENSE**

22 **(Laches)**

23 This answering Defendant alleges that the claims made and damages sought against this
 24 answering Defendant are barred or otherwise invalid or unenforceable, wholly or in part, because,
 25 among other things, the delay in making the claim and asserting the damages gives rise to the
 26 operation of the doctrine of laches.

1 **FOURTH AFFIRMATIVE DEFENSE**

2 **(Waiver/Estoppel)**

3 This answering Defendant alleges that Plaintiffs have waived and is estopped from asserting
4 any claim against this answering Defendant by reason of its approval and consent to the risk in the
5 matters causing the damages alleged, if any, in their acknowledgment of, acquiescence in, and
6 consent to the alleged act or omissions, if any, of this answering Defendant.

7 **FIFTH AFFIRMATIVE DEFENSE**

8 **(Unclean Hands)**

9 This answering Defendant alleges that by virtue of Plaintiffs' unlawful, immoral, careless,
10 negligent and/or other wrongful conduct, Plaintiffs should be barred from recovery against this
11 answering Defendant by the equitable doctrine of unclean hands.

12 **SIXTH AFFIRMATIVE DEFENSE**

13 **(Comparative Negligence)**

14 This answering Defendant contends that as to each and every cause of action, Plaintiffs'
15 alleged damage, if any, was proximately caused and contributed to by Plaintiffs' carelessness,
16 recklessness and/or negligence, thus barring or diminishing Plaintiffs' recovery herein according
17 to the principles of comparative negligence.

18 **SEVENTH AFFIRMATIVE DEFENSE**

19 **(Negligence of Others)**

20 This answering Defendant alleges that the claims made and damages sought against this
21 answering Defendant are barred or otherwise invalid or unenforceable, in whole or in part,
22 because, among other things, such claims and damages were proximately caused, in whole or in
23 part, by the independent, wrongful acts errors or omissions of third party entities, both known and
24 unknown, and such acts, errors or omissions of others caused or substantially contributed to
25 Plaintiffs' damages. This answering Defendant is entitled to apportionment of fault and liability,
26 if any.

EIGHTH AFFIRMATIVE DEFENSE**(Intervening and Superseding Cause)**

This answering Defendant alleges that the claims made and damages sought against this answering Defendant are barred or otherwise invalid or unenforceable, in whole or in part, because, among other things, such claims and damages were proximately caused, in whole or in part, by the independent, intervening, superseding wrongful acts errors or omissions of third party entities, both known and unknown, and such acts, errors or omissions of others became the legal cause of the claims and damages pled against this answering Defendant.

NINTH AFFIRMATIVE DEFENSE**(Assumption of Risk)**

This answering Defendant alleges that Plaintiffs should be barred from recovery to the extent that Plaintiffs, by virtue of its own acts and/or the acts or omissions of others chargeable to it, assumed the risk of any damages which it may have suffered.

TENTH AFFIRMATIVE DEFENSE**(Lack of Proximate Cause)**

This answering Defendant alleges that any action or omission to act on this answering Defendant's part, or any action or omission to act on the part of any person or any entity for whose actions or omissions this answering Defendant is (or may be established to be) legally responsible, did not actually or proximately cause or contribute in any manner or to any degree, to any losses or damages for which recovery is sought by Plaintiff in its Complaint on file herein.

ELEVENTH AFFIRMATIVE DEFENSE**(No Legal Cause)**

This answering Defendant alleges that the acts and/or omissions, if any, of this answering Defendant were not the legal cause of the losses or damages alleged in the Complaint.

TWELFTH AFFIRMATIVE DEFENSE**[Standing]**

This answering Defendant alleges that Plaintiffs are barred from recovery due to lack of standing to bring the claims set forth in the Complaint.

THIRTEENTH AFFIRMATIVE DEFENSE**(Failure to Name Indispensable Parties)**

This answering Defendant alleges that Plaintiffs, by virtue of its own acts and/or the acts or omissions of others chargeable to it, failed to join all indispensable parties as defendants to this Complaint.

FOURTEENTH AFFIRMATIVE DEFENSE**(Uncertain, Ambiguous, and Unintelligible Complaint)**

This answering Defendant alleges that the Complaint is uncertain, ambiguous, and unintelligible in that Plaintiffs, by virtue of its own acts and/or the acts or omissions of others chargeable to it, did not consistently define the terms employed in the Complaint with respect to various parties and properties, and is otherwise unintelligible.

FIFTEENTH AFFIRMATIVE DEFENSE**(Failure to Mitigate Damages)**

This answering Defendant alleges that Plaintiffs are barred by their failure to mitigate damages, or that any recovery must be reduced by those damages that Plaintiff, by virtue of its own acts and/or the acts or omissions of others chargeable to it, failed to mitigate.

SIXTEENTH AFFIRMATIVE DEFENSE**(Failure to Exercise Due Care)**

This answering Defendant alleges that Plaintiffs' Complaint is barred in whole or part in that Plaintiff, by virtue of its own acts and/or the acts or omissions of others chargeable to it, failed to exercise the quality and quantity of care and caution for which a reasonable individual in the same or similar circumstances would have exercised; said failure and negligence of Plaintiffs, by virtue of its own acts and/or the acts or omissions of others chargeable to it, proximately caused and contributed to the alleged damages; and any recovery by Plaintiffs should thereby be diminished or barred.

SEVENTEENTH AFFIRMATIVE DEFENSE**(Consent)**

This answering Defendant alleges that Plaintiffs, by virtue of its own acts and/or the acts or omissions of others chargeable to it, at all times gave its consent, express or implied, to the acts, omissions and conduct alleged of Defendant in the Complaint.

EIGHTEENTH AFFIRMATIVE DEFENSE**(Ratification)**

This answering Defendant alleges that Plaintiffs, by virtue of its own acts and/or the acts or omissions of others chargeable to it, ratified the alleged acts of this answering Defendant.

NINETEENTH AFFIRMATIVE DEFENSE**(Release)**

This answering Defendant alleges that Plaintiffs, by virtue of its own acts and/or the acts or omissions of others chargeable to it, expressly, impliedly and/or equitably released all rights against this answering Defendant in connection with the transaction giving rise to the allegations set forth in the Complaint.

TWENTIETH AFFIRMATIVE DEFENSE**(Damages Set-Off)**

This answering Defendant alleges that Plaintiff's damages, if any, are set-off by any value and/or benefit Plaintiffs obtained due to its own conduct and/or contributory negligence and/or the conduct and/or contributory negligence of others chargeable to it, and any recovery by Plaintiffs should be barred and/or reduced according to law, up to and including the whole thereof.

TWENTY-FIRST AFFIRMATIVE DEFENSE**(Unavoidable Incident)**

This answering Defendant alleges that the events referred to in the Complaint, and all alleged resulting damages, were the result of an unavoidable incident and occurred without any negligence or want or ordinary care or default or breach on the part of this answering Defendant. which defects, if any, were neither known to Defendant nor discoverable by Defendant through the exercise of reasonable care and therefore, any recovery by Plaintiffs should be barred.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Compliance with Standard of Care)

This answering Defendant alleges that at all material times it complied with the standard of care applicable to this answering Defendant's industry and locations of the services allegedly rendered by Defendant and, therefore, any recovery by Plaintiffs should be barred.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(Cal. Code of Civ. Proc. §1431.2)

This answering Defendant alleges that the right of Plaintiff to recovery herein, if any right exists, is reduced and limited to the percentage of negligence attributable to Defendant, pursuant to California Code of Civil Procedure section 1431.2.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

(Multiple Causation)

If this answering Defendant is subjected to any liability to Plaintiffs herein it will be due in whole and/or in part to the conduct, acts, omissions and/or activities of third parties, other than this answering Defendant, who legally caused and/or contributed to the events leading up to the incidents which form the bases for the allegations contained in the Complaint and therefore, this answering Defendant is entitled to a judicial determination of the percentage of fault of each party who is a legal cause of the injuries and damages, if any, sustained by Plaintiffs.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

(Reservation to Plead Other Defenses)

This Answering Defendant presently has insufficient knowledge or information upon which to form a belief as to whether it may have additional, as yet unstated, affirmative defenses available. Accordingly, this answering Defendant reserves the right to assert additional affirmative defenses in the event discovery indicates that would be appropriate.

PRAYER FOR RELIEF

WHEREFORE, Defendant Costco Wholesale prays as follows:


1. That Plaintiffs take nothing by reason of the Complaint;
2. For judgment in Defendant's favor and dismissal of the action with prejudice;
3. For Defendant's attorneys' fees against Plaintiffs
4. For costs of suit; and

For such other relief that the Court deems just and proper.

DATED: November 4, 2019

SEVERSON & WERSON
A Professional Corporation

By: _____



Leslie A. Fales

Attorneys for Defendant COSTCO WHOLESALE

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is One Embarcadero Center, Suite 2600, San Francisco, CA 94111.

On November 4, 2019, I served true copies of the following document(s):

**DEFENDANT COSTCO WHOLESALE'S ANSWER TO PLAINTIFFS
UNVERIFIED FIRST AMENDED COMPLAINT**

on the interested parties in this action as follows:


Tiega-Noel Varlack
Varlack Legal Services
225 W Winton Ave #207
Hayward, CA 94544

Attorney for Plaintiffs

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Severson & Werson's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 4, 2019, at San Francisco, California.



Erica L. Wheelock